

IN THE CLAIMS:

Please amend Claim 1 as follows:

CL
1. (Amended) A composition for producing a foam for use in protecting plants against frost or freezing temperatures comprising:

about 40% to about 90% by weight of [a] vegetable oil;
an emulsifier; and
a foaming agent.

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2. (Amended) The composition of Claim 1 wherein the composition is incorporated into water [further comprising water].

In Claim 26, line 1, please delete "ethlene" and insert --ethylene--.

REMARKS

The Applicants have carefully reviewed the First Office Action dated July 29, 1999.

The Examiner, in the First Office Action, has taken the position that Claims 1 - 33 and 35, are drawn to a composition and method classified in Class 504, Subclass 350 ("Invention I"). Claim 34 is drawn to an apparatus, classified in Class 239, subclass 40+ ("Invention II"). The Examiner states that Inventions I and II are "distinct." The Examiner takes the position based on his opinion that the search for "Invention I" differs from the search required for "Invention II." Accordingly, because the Examiner believes these inventions are distinct and have acquired a separate status in the art, restriction is proper.

In response to the restriction requirement, the Applicants provisionally elects, without prejudice, the composition and methods of "Invention I."